

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS E. PEREZ)
) CASE NO.: 2:14-CV-00352
 Plaintiff,)
)
 v.)
)
 DARPAN MANAGEMENT, INC., et al.)
)
 Defendants.)
)

**ANSWER OF DEFENDANTS, DARPAN MANAGEMENT, INC., P&S HOTEL GROUP,
LTD., ZEAL HOTEL GROUP LTD., VJP HOSPITALITY LTD., PVS LIMITED, SPS
HOSPITALITY LTD, DARSHAN SHAH, VIBHAKAR SHAH, AND PRAKASH PATEL,
TO PLAINTIFF'S COMPLAINT**

Now comes Defendants, Darpan Management, Inc., P&S Hotel Group, Ltd., Zeal Hotel Group Ltd., VJP Hospitality Ltd., PVS Limited, SPS Hospitality, Darshan Shah, Vibhakar Shah, and Prakash Patel, by and through their undersigned counsel and hereby answers as follows to Plaintiff's Complaint:

I. In answer to Paragraph I of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(a). In answer to Paragraph II(a) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(b). In answer to Paragraph II(b) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(c). In answer to Paragraph II(c) of Plaintiff's Complaint, Defendants deny the

allegation contained therein.

II(d). In answer to Paragraph II(d) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(e). In answer to Paragraph 11(e) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(f). In answer to Paragraph II(f) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(g). In answer to Paragraph II(g) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(h). In answer to Paragraph II(h) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

II(i). In answer to Paragraph II(I) of Plaintiff's Complaint, Defendants admit the allegation contained therein.

III. In answer to Paragraph III of Plaintiff's Complaint, Defendants deny the allegation contained therein.

IV. In answer to Paragraph IV of Plaintiff's Complaint, Defendants deny the allegation contained therein.

V(a). In answer to Paragraph V(a) of Plaintiff's Complaint, Defendants deny the allegations contained therein.

V(b). In answer to Paragraph V(b) of Plaintiff's Complaint, Defendants deny the allegations contained therein.

VI(a). In answer to Paragraph VI(a) of Plaintiff's Complaint, Defendants deny the allegations contained therein.

VI(b). In answer to Paragraph VI(b) of Plaintiff's Complaint, Defendants deny the allegations contained therein.

VII. In answer to Paragraph VII of Plaintiff's Complaint, Defendants deny the allegations contained therein.

VIII. In answer to Paragraph No. VIII of Plaintiff's Complaint, Defendants deny the allegations contained therein.

FIRST AFFIRMATIVE DEFENSE

There is a lack of *in personam* jurisdiction over these parties because there is insufficiency of service of process.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

The court herein lacks subject matter jurisdiction in this action.

FOURTH AFFIRMATIVE DEFENSE

The Complaint and claims of Plaintiff are barred, either in whole or in part, due to the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has failed to join a necessary or indispensable party without whom this action cannot proceed.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff has failed to issue process within the time required by law.

SEVENTH AFFIRMATIVE DEFENSE

All persons identified in the Complaint that Defendants employ have been paid all wages due them by virtue of their employment with Defendants.

EIGHTH AFFIRMATIVE DEFENSE

Defendants do not employ, directly or indirectly, many of the people identified in the Complaint.

NINTH AFFIRMATIVE DEFENSE

Some persons identified in the Complaint that Defendants employ are exempt from the overtime compensation laws.

TENTH AFFIRMATIVE DEFENSE

Defendants acted in good faith and with reasonable grounds to believe that they were not violating the Fair Labor Standards Act.

ELEVENTH AFFIRMATIVE DEFENSE

Defendants acted in good faith, in conformity with and in reliance upon, written administrative regulations, orders, rulings, approvals, and/or interpretations of the Wage and Hour Division of the U.S. Department of Labor, and/or administrative practices and enforcement policies of the Wage and Hour Division.

ADDITIONAL DEFENSES

Defendants reserve the right to supplement or amend this Answer, including through the addition of further affirmative defenses, counterclaims and prayers based upon the course of discovery and proceedings in this action.

WHEREFORE, Defendants respectfully request that the subject complaint be dismissed as to this Defendant, along with other relief as is appropriate and reasonable.

Respectfully submitted,

/s/ Sanjay K. Bhatt

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Group, Ltd., Zeal Hotel Group Ltd., VJP
Hospitality Ltd., PVS Limited, SPS
Hospitality, Darshan Shah, Vibhakar Shah,
and Prakash Patel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of Defendants was sent to the Attorney for Plaintiff, Hema Steele, U.S Department of Labor, 881 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199, via regular U.S. Mail, postage prepaid, on these 3rd day of July, 2014:

/s/ Sanjay K. Bhatt

Sanjay K. Bhatt (0063913)
Attorney for Defendants